THE HONBLE SRI JUSTICE GODA RAGHURAM

W.P.No.12750 of 2007

Date 19.06.2007

Between:
G.Rosaiah.

..... PETITIONER

AND

The District Collector, Guntur.

.....RESPONDENT

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.12750 of 2007

ORAL ORDER:

Land in an extent of Ac.1.10.cents in Sy.No.29/B2A in Lagadapadu village, Pedakurapadu Mandal, Guntur District is proposed for acquisition for providing house sites for weaker sections by notification dated 26-05-2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'). The name of G.Venkateswarlu, who is claimed to be the father of the petitioner, is mentioned as the owner/occupant of the land in question, in the notification.

Petitioner claims that partition of the joint family took place in 2002 and he is in possession of the property. Pursuant to the notification, it is stated that the third respondent on 06-06-2007 came on to the land and started measuring the same. On coming to learn about the acquisition on 09-06-2007, the petitioner got issued a legal notice to the respondents herein objecting to the acquisition, *inter alia*, on the ground that he is a small and marginal farmer; the land proposed for acquisition is the only source of his livelihood; and he would be deprived of his livelihood if the land was acquired. Till now, neither has the petitioner heard from the respondents on his objections nor have any further steps been taken including issue of the declaration under Section 6 of the Act, is the assertion at the hearing today.

As the petitioner has already informed by lawyer's notice dated 09-06-2007, the respondents are obliged to consider the same and take a decision whether to proceed with the acquisition. The respondents shall treat the lawyers notice dated 09-06-2007 issued by the petitioner as the petitioners objections lodged under Section 5(1) of the Act; shall take a decision as is required under Section 5(a)(2) of the Act and shall communicate the same to the petitioner before proceeding further towards acquiring the

property. Petitioner shall not be dispossessed pending communication of the decision taken under Section 5(a)(2) of the Act.

The writ petition is disposed of at the stage of admission, after hearing the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition. There shall however be no order as to costs.

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GODA RAGHURAM, J

Date: 19-06-2007
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